

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DOROTHY SARTOR,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 3:11-CV-00344
)	JURY DEMANDED
WAL-MART STORES, INC.,)	
)	
Defendant.)	

INITIAL CASE MANAGEMENT ORDER

A. **JURISDICTION.** The Court has diversity jurisdiction under 28 U.S.C. § 1332. Jurisdiction is not disputed.

B. **BRIEF THEORIES OF THE PARTIES:**

1) **PLAINTIFF:** Defendant was negligent on or about February 18, 2010, in failing to keep its premises safe from unreasonable harm and to provide motorized shopping carts safe for plaintiff's use. Defendant knew or should have known about the dangerous condition of its motorized shopping cart and negligently breached its duty of care to the Plaintiff.

2) **DEFENDANT:** Defendant was not negligent and has no liability to plaintiff.

C. **ISSUES RESOLVED:** Jurisdiction and venue.

D. **ISSUES DISPUTED:** Liability and damages.

E. **INITIAL DISCLOSURES:** Pursuant to Fed.R.Civ.P. 26(a)(1), all parties must make their initial disclosures within 14 days after the initial case management conference.

F. DISCOVERY: The parties shall complete all written discovery, with the exception of requests for admissions and supplementation, and shall conduct discovery depositions of all fact witnesses, except for treating physicians, on or before Thursday, August 30, 2012.

Concerning electronic discovery, the parties will confer and reach agreements on how to conduct electronic discovery if needed. Thus, the default standard contained in Administrative Order No. 174 need not apply in this case.

G. MEDICAL RECORDS: Plaintiff shall include a list of all of plaintiff's healthcare providers from 10 years pre-accident to present as part of their responses to defendant's written discovery requests.

H. MOTIONS TO AMEND: The parties shall file all Motions to Amend on or before May 30, 2012.

I. EXPERT WITNESSES:

The following schedule for expert proof will control:

(1) The deadline for Plaintiff to disclose all experts who may testify on behalf of Plaintiff is May 30, 2012. Plaintiff will identify by this deadline any treating physician who may testify on behalf of Plaintiff, and will disclose them if required by Rule 26. Plaintiffs will identify no more than four such treating health care providers.

(2) The deadline for defendant to complete an independent

medical exam ("IME") and to identify any treating physicians who may testify on behalf of defendant is July 16, 2012.

(3) The deadline for defendant to disclose in accordance with Rule 26 any expert, including any IME expert, is July 30, 2012.

(4) The deadline for plaintiff to complete all depositions for evidence of any witness offering medical or other expert testimony, including any treating health care provider is July 30, 2012.

(5) The deadline for defendant to complete all depositions for evidence of any witness offering medical or other expert testimony, including any treating health care provider is August 30, 2012.

(6) If any expert identified by the plaintiff will testify live at trial, then his discovery deposition, if defendant chooses to take one, will be completed by August 30, 2012.

(7) If the IME expert or any other expert identified by the defendant will testify live at trial, then his discovery deposition, if plaintiffs choose to take one, will be completed by August 30, 2012.

J. DISPOSITIVE MOTIONS: The parties shall file all dispositive motions on or before June 25, 2012, with the response being filed by July 16, 2012, and the reply being filed by July 30, 2012.

K. JOINT MEDIATION REPORT: The parties shall submit a Joint Mediation Report on or before July 30, 2012.

L. ESTIMATED TRIAL TIME: The parties expect the trial to last approximately two (2) days.

IT IS SO ORDERED.



JULIET GRIFFIN
U.S. MAGISTRATE JUDGE

APPROVED FOR ENTRY:

s/Andy Rowlett
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Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that I have served via the Court's electronic filing system upon Brody N. Kane, McBrien & Kane, 133 South College Street, Lebanon, TN 37087, on this the 3rd day of August, 2011.

s/Andy Rowlett

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